

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

SOUTHWESTERN MANAGEMENT, INC.,
Appellant

v.

**OCINOMLED, LTD., EMERIL'S FOOD OF LOVE
PRODUCTIONS, LLC,**
Appellees

2015-1939

Appeal from the United States Patent and Trademark
Office, Trademark Trial and Appeal Board in No.
94002242.

ON MOTION

O R D E R

Appellant Southwestern Management, Inc. moves for clarification regarding the preparation of the appendix. Appellees Ocinomled, Ltd. and Emeril's Food of Love Productions, LLC oppose the motion.

Southwestern seeks clarification regarding what portions of the record must be included in the appendix. The parties disagree on whether the appendix must include

the portions of the record that the parties rely on in their briefs.

To comply with the Federal Rules of Appellate Procedure and this court's local rules, the appellant must prepare and file an appendix to the briefs containing (a) the relevant docket entries in the proceeding below; (b) the relevant portions of the pleadings, charge, findings, or opinion; and (c) the judgment, order, or decision in question. Fed. R. App. P. 30; Fed. Cir. R. 30(a)(2).

To the extent that Southwestern seeks to waive the requirements of Fed. R. App. P. 30 by filing an appendix that includes only a copy of the docket sheet and a copy of the decision(s) being appealed, that request is denied. *Cf. Rios v. Bigler*, 67 F.3d 1543, 1553 (10th Cir. 1995) ("It is not this court's burden to hunt down the pertinent materials.").

In addition to including the matters required by Federal Circuit Rule 30(a)(2) in the appendix, "the appellant must prepare the appendix to be filed with the court from the designated material by selecting from that material only items required by these rules and pages specifically referred to in the briefs of the parties." Fed. Cir. R. 30(b)(6).

Accordingly,

IT IS ORDERED THAT:

(1) The motion to waive the requirements of Rule 30 is denied.

(2) The stay of the briefing schedule is lifted. Southwestern's opening brief is due within 30 days of the date of filing of this order.

SOUTHWESTERN MANAGEMENT, INC. v. OCINOMLED, LTD. 3

FOR THE COURT

/s/ Daniel E. O'Toole

Daniel E. O'Toole

Clerk of Court

s32